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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,952	08/23/2006	Ming Ji	P29980	9585
52123	7590	10/24/2008	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				VAUGHAN, MICHAEL R
ART UNIT		PAPER NUMBER		
2431				
NOTIFICATION DATE			DELIVERY MODE	
10/24/2008			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[gpatent@gpatent.com](mailto:gpatent@gpatent.com)  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/595,952	JI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MICHAEL R. VAUGHAN	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 October 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 22 May 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>10/5/06, 8/23/06</u> .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

The instant application having Application No. 10/595952 filed on 8/23/06 is presented for examination by the examiner.

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been received.

### ***Drawings***

The drawings are objected to because figures 1-3 lack many of the necessary drawing references needed to clearly point out what is in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application

must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Figures 1, 3, and 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. Additionally any other drawings with known subject matter should include the prior art label as well. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 8/23/06 has been considered by the examiner.

#### ***Specification***

The disclosure is objected to because of the following informalities: the written description lacks the necessary section headings.

Appropriate correction is required.

***Title***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21, 22, 28, 29 are rejected under 35 U.S.C. 101 as directed to non-statutory subject matter of software, per se. The claim lacks the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 U.S.C. 101. It is clearly not a series of steps or acts to be a process nor is it a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. It is at best, function descriptive material per se.

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” Both types of “descriptive material” are non-statutory when claimed as descriptive material per se, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive

material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

Merely claiming non-functional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”). See MPEP 2106.01 [R-6].

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1, 6, 11, 16, 23, and 30 are rejected because the claim declares that management information is stored, transmitted, or received in a session description protocol. A protocol as known in the art is a series of steps in which entities follow to achieve a desired function. The protocol itself does not store or receive information. It is true that as a result of a protocol, information is shared but to say the information is stored in a protocol renders the claim indefinite. For purposes of examination of the claims, Examiner interprets the claim to mean that management information is carried

from the server to the client as a result of the performing the session description protocol. Appropriate correction is required.

The dependent claims are likewise rejected for at least the reason mentioned above as they do not rectify the indefiniteness.

As per claims 3, 8, 13, are 25, the phrase “right information” is ambiguous and can be interpreted many different way. This phrase is likely the result of a literal translation of the foreign application. For purposes of examination on the merits, Examiner assumes this term to mean intellectual property information.

As per claims 21, 22, 28, and 29, are rejected as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. These claims to not further limit the scope the parent claims. Claims 21 and 22 being dependent of claim 16 should further limit the transmitting method. However claim 21 is directed to a transmitting program. Claim 22 is directed to a computer readable recording medium. Claims 28 and 29 being dependent of claim 23 should further limit the receiving method. However claim 28 is directed to the receiving program. Claim 29 is directed to a computer readable recording medium.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by international publication “MPEG-4 Systems: Elementary Stream Management” by Herpel et al., hereinafter Herpel.

As per claim 1, Herpel teaches a streaming system comprising a server which transmits a media stream having a layer structure including at least a session layer through a network and a client which receives the media stream from the server through the network, the server comprising:

a storing unit operable to store management information (pg. 31, section 2) for managing the media stream in a session description protocol of the session layer of the media stream (pg. 15, section 2); and

a transmitting unit operable to transmit the session description protocol in which the management information is stored to the client in the session layer of the media stream (pg. 30, section 2), and the client comprising:

a receiving unit operable to receive the session description protocol in which the management information is stored from the server (pg. 30 section 2, and pg. 32, step 6); an extracting unit operable to extract the management information from the received session description protocol (pg. 32, step 7); and

a managing unit operable to manage the media stream on the basis of the extracted management information (pg. 32, step 8).

As per claim 2, Herpel teaches the management information is an IPMP tool list or an IPMP descriptor related to an IPMP tool used in the protection of the media stream (pg. 15, section 2), and the managing unit specifies the IPMP tool by the extracted IPMP tool list or the IPMP descriptor to manage the media stream (pg. 32, step 7-8).

As per claim 3, Herpel teaches the management information is right information of the media stream (pg. 15, section 2).

As per claim 4, Herpel teaches the management information is stored in a session level attribute related to all media streams in the same session of the session description protocol (pg. 16, 1<sup>st</sup> paragraph, management information placed in object descriptor is relevant for all streams).

As per claim 5, Herpel teaches the management information is stored in a media level attribute related to associated media streams in the session description protocol (pg. 16, 1<sup>st</sup> paragraph, management information placed in ES descriptor is relevant for one stream).

As per claim 6, Herpel teaches a server which transmits a media stream having a layer structure including at least a session layer to a client through a network, comprising:

a storing unit operable to store management information (pg. 31, section 2) for managing the media stream in a session description protocol of the session layer of the media stream (pg. 15, section 2); and

a transmitting unit operable to transmit the session description protocol in which the management information is stored to the client in the session layer of the media stream (pg. 30, section 2).

As per claim 7, Herpel teaches the management information is an IPMP tool list or an IPMP descriptor related to an IPMP tool used in the protection of the media stream (pg. 15, section 2).

As per claim 8, Herpel teaches the management information is right information of the media stream (pg. 15, section 2).

As per claim 9, Herpel teaches the management information is stored in a session level attribute related to all media streams in the same session of the session description protocol (pg. 16, 1<sup>st</sup> paragraph, management information placed in object descriptor is relevant for all streams).

As per claim 10, Herpel teaches the management information is stored in a media level attribute related to associated media streams in the session description protocol (pg. 16, 1<sup>st</sup> paragraph, management information placed in ES descriptor is relevant for one stream).

As per claim 11, Herpel teaches a client which receives a media stream having a layer structure including at least a session layer from a server through a network, comprising:

a receiving unit operable to receive the session description protocol in which the management information is stored from the server (pg. 30 section 2, and pg. 32, step 6);

an extracting unit operable to extract the management information from the received session description protocol (pg. 32, step 7); and

a managing unit operable to manage the media stream on the basis of the extracted management information (pg. 32, step 8).

As per claim 12, Herpel teaches the management information is an IPMP tool list or an IPMP descriptor related to an IPMP tool used in the protection of the media stream (pg. 15, section 2), and the managing unit specifies the IPMP tool by the extracted IPMP tool list or the IPMP descriptor to manage the media stream (pg. 32, step 7-8).

As per claim 13, Herpel teaches the management information is right information of the media stream (pg. 15, section 2).

As per claim 14, Herpel teaches the management information is stored in a session level attribute related to all media streams in the same session of the session description protocol (pg. 16, 1<sup>st</sup> paragraph, management information placed in object descriptor is relevant for all streams).

As per claim 15, Herpel teaches the management information is stored in a media level attribute related to associated media streams in the session description protocol (pg. 16, 1<sup>st</sup> paragraph, management information placed in ES descriptor is relevant for one stream).

As per claim 16, Herpel teaches a transmitting method which transmits a media stream having a layer structure including at least session layer to a client through a network, comprising:

storing management information for managing the media stream in a session description protocol of the session layer of the media stream (pg. 15, section 2); and transmitting the session description protocol in which the management information is stored to the client in the session layer of the media stream (pg. 30, section 2).

As per claim 17, Herpel teaches the management information is an IPMP tool list or an IPMP descriptor related to an IPMP tool used in the protection of the media stream (pg. 15, section 2).

As per claim 18, Herpel teaches the management information is right information of the media stream (pg. 15, section 2).

As per claim 19, Herpel teaches the management information is stored in a session level attribute related to all media streams in the same session of the session description protocol (pg. 16, 1<sup>st</sup> paragraph, management information placed in object descriptor is relevant for all streams).

As per claim 20, Herpel teaches the management information is stored in a media level attribute related to associated media streams in the session description protocol (pg. 16, 1<sup>st</sup> paragraph, management information placed in ES descriptor is relevant for one stream).

As per claim 21, Herpel teaches a transmitting program designed such that the transmitting method can be executed by a computer (pg. 32).

As per claim 22, Herpel teaches a computer readable medium in which the transmitting program is stored (pg. 29, section 2).

As per claim 23, Herpel teaches a receiving method in which receives a media stream having a layer structure including at least a session layer from a server through a network, comprising:

receiving a session description protocol in which the management information is stored from the server (pg. 30 section 2, and pg. 32, step 6);

extracting the management information from the received session description protocol (pg. 32, step 7); and

managing the media stream on the basis of the extracted management information (pg. 32, step 8).

As per claim 24, Herpel teaches the management information is an IPMP tool list or an IPMP descriptor related to an IPMP tool used in the protection of the media stream (pg. 15, section 2), and the managing unit specifies the IPMP tool by the extracted IPMP tool list or the IPMP descriptor to manage the media stream (pg. 32, step 7-8).

As per claim 25, Herpel teaches the management information is right information of the media stream (pg. 15, section 2).

As per claim 26, Herpel teaches the management information is stored in a session level attribute related to all media streams in the same session of the session description protocol (pg. 16, 1<sup>st</sup> paragraph, management information placed in object descriptor is relevant for all streams).

As per claim 27, Herpel teaches the management information is stored in a media level attribute related to associated media streams in the session description

protocol (pg. 16, 1<sup>st</sup> paragraph, management information placed in ES descriptor is relevant for one stream).

As per claim 28, Herpel teaches a receiving program designed such that the receiving method can be executed by a computer (pg. 32).

As per claim 29, Herpel teaches a computer readable medium in which the receiving program is stored (pg. 29, section 2).

As per claim 30, Herpel teaches a media stream transmitted and received from a server to a client through a network and having a layer structure including at least a session layer, wherein

management information (pg. 15, section 2 -- pg. 16, 1st paragraph) for managing the media stream is stored in a session description protocol of the session layer (pg. 32, section 2).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is listed on the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is (571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./

Examiner, Art Unit 2431

/Syed Zia/

Primary Examiner, Art Unit 2431